

INTERSTATE SHIPMENT: Between the approximate dates of April 18, 1945, and December 11, 1947, from the States of Michigan and New Jersey into the State of Missouri.

LABEL, WHEN SHIPPED: "Kapseals Benadryl Hydrochloride [or "Kapseals Carbrital"] * * * Caution—To be dispensed only by or on the prescription of a physician" and "Hexital Caution—To be used only by or on the prescription of a physician."

ALLEGED VIOLATION: On or about April 20, July 8 and 10, August 9 and 13, and September 20 and 23, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused a number of capsules and tablets of the drugs to be removed from the bottles in which they had been shipped and to be repacked and sold to various persons without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded. The repackaged drugs were labeled in part "Benadryl Capsules 50 MG," "Hexital," and "Carbrital Capsules."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the labels of the repackaged drugs bore no statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (e) (2), the labels of the repackaged *Hexital tablets* and the repackaged *Carbrital capsules* failed to bear the common or usual name of each active ingredient of the drugs, namely, phenobarbital and Hexestrol, in the *Hexital tablets*, and pentobarbital sodium and carbromal, in the *Carbrital capsules*.

Further misbranding, Section 502 (d), the repackaged *Hexital tablets* and *Carbrital capsules* were drugs for use by man and contained chemical derivatives of barbituric acid, which derivatives had been, by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: November 18, 1949. Pleas of guilty having been entered, the court imposed a fine of \$25 on each of 5 counts against defendant Adcock, covering the sales personally made by him, and a fine of \$25 on each of 2 counts against defendant Malley, relating to the sales which he had made personally.

3023. Misbranding of Elodex. U. S. v. 3 Cases * * *. (F. D. C. No. 28039. Sample No. 48536-K.)

LABEL FILED: On or about October 17, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about September 30, 1949, from New York, N. Y.

PRODUCT: 3 cases, each containing 28 10-ounce packages, of *Elodex* at Vineland, N. J., in possession of the Neptune Health Products.

This product was represented by Rudy Holmberg, proprietor of the Neptune Health Products, during lectures delivered by him at the Trenton State Fair, Trenton, N. J., on September 30, 1949, to be effective in helping relieve the user of rheumatism and in preventing colds, rheumatism, lumbago, arthritis, and neuritis, for which no adequate directions for use appear in its labeling.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 18, 1949. Default decree of condemnation and destruction.

3024. Misbranding of miscellaneous salvaged drugs. U. S. v. 25 Crates, etc. (F. D. C. No. 27154. Sample No. 62100-K.)

LIBEL FILED: April 21, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 17, 1948, by the Underwriter Salvage Co. of New York, from Providence, R. I.

PRODUCT: 25 crates and 36 cartons of miscellaneous salvaged drugs at West Lynn, Mass. A portion of the material had been fire-damaged. Some bottles and jars were unlabeled; in some bottles a number of tablets had partially disintegrated; and in some bottles a number of tablets had fused and adhered to the bottoms of the bottles.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the labels of the articles failed to bear accurate statements of the quantity of the contents; Section 502 (e) (2), the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual names of the active ingredients; and, Section 502 (f) (2), the labeling of the articles failed to bear adequate warnings against use in those pathological conditions and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration and application.

The libel alleged also that certain products included in the shipment were misbranded under the provisions of the law applicable to foods and cosmetics, as reported in notices of judgment on foods, No. 15648, and in notices of judgment on cosmetics. (The notice of judgment on cosmetics will be issued at a later date.)

DISPOSITION: May 26, 1949. The Triangle Sales Corp., Lynn, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency. The unfit portion of the products was segregated and destroyed.

3025. Misbranding of Spectro-Chrome devices. U. S. v. 1 Device * * * (and 29 other seizure actions). (F. D. C. Nos. 25039, 25040, 25059 to 25070, incl., 25118 to 25120, incl., 25125, 25126, 25128, 25129, 25131 to 25135, incl., 25208, 25220, 25252, 25273. Sample Nos. 14001-K to 14018-K, incl., 14478-K to 14484-K, incl., 15549-K, 18249-K, 18253-K, 24624-K, 37078-K.)

LIBELS FILED: Between July 14, 1948, and February 15, 1949, Eastern and Western Districts of Wisconsin, Eastern District of Washington, Eastern District of Michigan, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of December 19, 1947, and March 8, 1948, by Dinshah P. Ghadiali and the Dinshah Spectro-Chrome Institute, from Malaga, N. J.